



THE CITY OF NEW YORK
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April 4, 2023

BY ECF

Honorable Sanket J. Bulsara
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Colette Cunningham v. City of New York, et al.
22-CV-588 (LDH) (SJB)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York, and attorney for defendants City of New York, Sergeant Yuriy Akopov, Sergeant Suhail Sofizada, and Officer Aaliyah Card (“defendants”) in the above-referenced matter. The defendants write to respectfully request that (1) the in-person status conference, currently scheduled for April 12, 2023, at 2:30 p.m., be adjourned to any date between April 27, 2023 and May 8, 2023, and (2) the deadline for fact discovery be extended for two months from May 19, 2023 until July 19, 2023, as well as a corresponding adjournment for subsequent deadlines. Plaintiff’s counsel consents to this request. This is defendants’ first request to adjourn the April 12, 2023 status conference, and the parties jointly requested one prior extension of discovery, which was granted by the Court. See ECF Entry, Order, January 27, 2023.

By way of background, on March 14, 2023, this Court scheduled an in-person status conference for April 12, 2023, at 2:30 p.m. See ECF Entry, Scheduling Order, March 14, 2023. However, due to a scheduling conflict, the undersigned is unable to participate in a conference on April 12, 2023. Specifically, the undersigned will be out of the office from April 10, 2023 through April 24, 2023 due to previously scheduled leave. Thus, the undersigned contacted plaintiff’s counsel, and the parties propose rescheduling the conference to any date between April 27, 2023 and May 8, 2023.¹

¹ Defense counsel respectfully notes that he is also unavailable to participate in a conference on between May 9, 2023 through May 15, 2023.

Furthermore, plaintiff has provided additional medical releases to the defendants today including a release for Dr. Gardere's medical records. Plaintiff has previously provided records from plaintiff's medical providers and a report from Dr. Gardere. Now that those releases have been received, they will be processed, and the medical records will need to be received, before conducting plaintiff's deposition. The defendants believe that this additional extension of discovery will provide the parties enough time to receive the appropriate medical records and conduct depositions, which, at a minimum, include the plaintiff, three NYPD officers, and two nonparty witnesses.

Plaintiff will be filing an amended Complaint naming a new defendant, and intends to provide the proposed amended complaint to the defendants for their review in requesting consent.

Accordingly, the defendants respectfully request, with plaintiff's consent, that the Court (1) reschedule the April 12, 2023 status conference to any date between April 27, 2023 and May 8, 2023, and (2) extend the deadline for fact discovery for two months from May 19, 2023 until July 19, 2023, as well as a corresponding adjournment for subsequent deadlines.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

/s/ Gregory J.O. Accarino

Gregory J.O. Accarino
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cc: By ECF
All Attorneys of Record